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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,783	09/22/2003	Yun-Chung Lee	J2P3005-P1679US	9011
7590	07/14/2004			
Yun-Chung Lee 235 Chung-Ho Box 8-24 Taipei, TAIWAN			EXAMINER DURAND, PAUL R	
			ART UNIT 3721	PAPER NUMBER
DATE MAILED: 07/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,783

Applicant(s)

LEE, YUN-CHUNG

Examiner

Paul Durand

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 1-5 are objected to because of the following informalities: the claims contain spelling and/or grammatical errors. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, Lines 12-15, the recitation is generally narrative in nature, making the claimed limitation difficult to understand. Furthermore, it is not clear to the examiner how the piston rod interacts with the "plurality of supporting holes". The specification discloses that the piston rod is coupled to one polygonal supporting center hole and the plurality ^{of} supporting holes is coupled to a plurality of pivotal shafts "45".

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohmori et al (US 5,730,035).

In regard to claim 1, Ohmori discloses the invention as claimed including pneumatic motor 13, cylinder 2, piston 3, with spline shaft 8 integral with the piston and driven with the pneumatic motor, rotor 16, functioning as a spindle, with a rod groove in the form of ball spline 14, output disk in the form of clutch 15, which contains a spline hole for shaft 8 (see Figs. 1-5 and C3,L66 – C4,L46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al in view of Arata et al (US 5,862,724).

7. In regard to claims 2-4, Ohmori discloses the invention substantially as claimed as applied to claim 1. What Ohmori does not disclose is the use of a planetary gears set to provide rotary motion for the tool. However Arata teaches that it is old and well known in the art of tool driving to provide a planetary gears set 33, comprised of sun gear 34 driving planetary gears 35, which is coupled to rotating disc 39, located between the disc 39 and the spindle of motor 31 and where the output disc 39 is coupled to a bearing (no number given, but located below disc 39 in Figure 1) for the purpose driving a tool. Therefore, it would have been obvious to one having ordinary

skill in the art the time the invention was made to have provided the invention of Ohmori with the drive means as taught by Arata for the purpose driving a tool.

In regard to claim 5, While the modified invention of Ohmori does not specifically teach of a bush to drive the piston rod in a rotational manner, the examiner takes Official Notice that it is old and well known in the art to provide a bush that is mated to a rotational member and is keyed to fit a driving member for the purpose of efficiently driving a tool bit in a rotational manner. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Ohmori with a bush attached to a rotating member for the purpose of efficiently driving a tool bit in a rotational manner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamo et al, Liao, Borries et al, Uno et al, Tanaka, Groshams et al, Uno et al, Grossmann et al and Leoni have been cited to show devices having similar structure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Durand
July 8, 2004



EUGENE KIM
PRIMARY EXAMINER